HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.3777 of 2001

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Between:

G.K.Ramachandra Chary ……Petitioner.

And

Chairman, State Level Police Recruitment Board, Hyderabad and another.

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Respondents.

:: O R D E R ::

Counsel for the petitioner : Sri J.R.Manohar Rao

Counsel for the respondents : Sri A.Satya Prasad, Special Government Pleader.

27th December, 2006

Per G.S. SINGHVI, C.J.

In this petition, the petitioner has prayed for quashing order dated 28-2-2001 passed by the Andhra Pradesh Administrative Tribunal (for short, 'the Tribunal') in O.A.No.1177 of 2001 insofar as

the Tribunal declined his prayer for issue of a direction to the official respondents to allow him to appear in the written examination being held for recruitment of Additional Public Prosecutors.

It is borne out from the record that for the purpose of recruitment of 17 Additional Public Prosecutors Grade – II, Chairman, State Level Police Recruitment Board, Andhra Pradesh, Hyderabad (respondent No.1 herein) issued an advertisement dated 9-6-1999. The last date for receipt of applications was 9-7-1999. The petitioner did not submit application within the specified time but after a gap of one year and seven months, he filed an application under Section 19 of the Administrative Tribunals Act, 1985 for issue of a direction to the respondents to entertain his candidature for the post of Additional Public Prosecutor and allow him to participate in the written examination scheduled to be held on 4-3-2001 by claiming that on account of interim order dated 24-6-1999 passed by the learned Single Judge of this Court in Writ Petition No.12770 of 1999, he could not submit application within time.

The Tribunal, after briefly noticing the facts, admitted the application, but declined the petitioner's prayer for interim relief. Paragraphs 5 and 6 of order dated 28-2-2001 passed by the Tribunal read as under:

> "5. The learned G.P. who was directed to get instructions, contended that the Hon'ble High Court granted stay of notification only and it did not prevent the official respondents from receiving the applications and therefore the applications which have been received till 5.00 p.m. on 9-7-1999 i.e., the due date, would be taken into consideration, and that the applicant now cannot seek a direction to receive his application and that if such a direction is given by this Tribunal, it will amount to opening a channel for all persons to file applications who have not filed such applications after the

last date stipulated in the notification and therefore the applicant is not entitled to any relief.

6. The Notification was published in the news paper on 9-6-1999 with a direction that the applications should be submitted not later than 5.00 p.m. on 9-7-1999. It is a fact that some persons approached the Hon'ble High Court and the High Court was pleased to stay the Notification as per the news item which appeared on 26-6-1999. According to the applicant, he could not submit his application because of the stay granted by the High Court. As per the version of the official respondents, as no stay has been granted for receiving the applications, the applications have been received till the last date stipulated in the Notification i.e., upto 5.00 p.m. on 9-7-1999. The learned G.P. who was directed to file an affidavit of the official respondents to the effect that they have received the applications which have been sent by registered post upto 5.00 p.m. on 9-7-1999, has not filed the same and has also not filed any written reply of the official respondents, but merely stated on instructions that applications sent upto 5.00 p.m. on 9-7-1999 have been received. The applicant is now coming before this Tribunal that he should be given an opportunity for submitting application to the post of Additional Public Prosecutor Grade-II as per the Notification published in the news paper on 9-6-1999. If the request of the applicant is accepted, it will amount to opening the entire selection process, as it will enable several other persons also to submit applications for the said posts and making it impossible for the official respondents to conduct the examination proposed to be held on 4-3-2001."

Feeling dissatisfied with the refusal of the Tribunal to grant interim relief, the petitioner filed this petition and succeeded in persuading the Division Bench not only to issue notice but also to pass ad interim order dated 2-3-2001, whereby the respondents were directed to allow him to take the examination.

At the hearing, Sri J.R.Manohar Rao, learned counsel for the

petitioner stated that in compliance of the interim order passed by this Court, his client was allowed to take the written examination, but the result thereof has not been declared. He then argued that on account of interim order dated 24-6-1999 passed by the learned Single Judge, the petitioner could not submit application till the last date specified in the advertisement and yet, the Tribunal arbitrarily declined his prayer for interim relief. Learned counsel submitted that subsequent dismissal of the writ petition on 29-9-1999 did not have the effect of extending the date specified in the advertisement and, therefore, the Court may direct the respondents to regularise the petitioner's appearance in the written examination.

In our opinion, there is no merit in the argument of the learned counsel and the writ petition is liable to be dismissed, because order dated 24-6-1999 passed by the learned Single Judge of this Court in Writ Petition No.12770 of 1999 did not have the effect of preventing respondent No.1 and officers subordinate to him to receive applications from the eligible candidates in pursuance of advertisement dated 1-6-1999. The petitioner could have submitted application till the last date specified in the advertisement i.e. 9-7-1999. However, the fact of the matter is that he did not choose to file the application and moved the Tribunal at the last moment i.e. just before the date fixed for actual conduct of the examination. The reason put-forward by the petitioner for not filing the application i.e. interim order passed by this Court on 24-6-1999, has to be treated as concocted because there is nothing in the interim order passed by the learned Single Judge from which it can be inferred that there was a direction to the Chairman of the Board not to entertain the application till the last date specified in the advertisement. The non-seriousness on the petitioner's part is evinced from the fact that he did not move the

Tribunal for four months after dismissal of Writ Petition No.12770 of 1999. For the first time, he filed the application in the month of February, 2001 with the prayer for interim relief, which, in our considered view, was rightly declined by the Tribunal.

With the above observations, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, WPMP.Nos.4882 and 4883 of 2001 filed by the petitioner for interim relief are dismissed and interim order dated 2-3-2001 passed in WPMP.No.4882 of 2001 is vacated.

G.S.SINGHVI, C.J.

27th December, 2006

C.V.NAGARJUNA REDDY, J.

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